

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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The Authors Guild, Inc., Association of American Publishers, Inc., Associational Plaintiffs, and :
Herbert Mitgang, Betty Miles, Daniel Hoffman, Paul Dickson, Joseph Goulden, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Penguin Group (USA) Inc., Simon & Schuster, Inc., and John Wiley & Sons, Inc., individually and on behalf of all others similarly situated, :
Plaintiffs, :
v. :
Google Inc., :
Defendant. :
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Case No. 05 CV 8136 (DC)

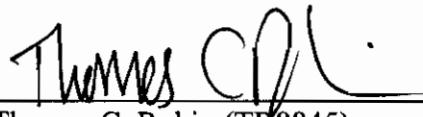
**MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Thomas C. Rubin, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of Richard Montgomery Donaldson of Montgomery, McCracken, Walker & Rhoads, LLP, 1105 N. Market Street, Suite 1500, Wilmington, DE 19801, 302-504-7800.

Richard Montgomery Donaldson is a member in good standing of the bars of the Commonwealth of Pennsylvania and the States of New Jersey and Delaware. There are no pending disciplinary proceedings against Mr. Donaldson in any State or Federal court.

Dated:
September 18, 2009
Redmond, Washington

Respectfully submitted,



Thomas C. Rubin (TR8845)
Chief Counsel for Intellectual Property Strategy
Microsoft Corporation
Legal and Corporate Affairs
One Microsoft Way
Redmond, WA 98052
(425) 882-8080
tom.rubin@microsoft.com

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Companies, Inc., Pearson Education, Inc., Penguin :
Group (USA) Inc., Simon & Schuster, Inc., and :
John Wiley & Sons, Inc., individually and on :
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**DECLARATION OF
THOMAS C. RUBIN
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
RICHARD MONTGOMERY
DONALDSON *PRO HAC VICE***

Thomas C. Rubin hereby declares, pursuant to 28 U.S.C. § 1746:

1. I am counsel for objector Microsoft Corporation (“Microsoft”) in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Microsoft’s motion to admit Richard Montgomery Donaldson as counsel *pro hac vice* to represent Microsoft in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1989. I am also admitted to the bars of the State of Washington and this Court. I am in good standing with both. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Richard Montgomery Donaldson since January 2009. Some of my colleagues in Microsoft’s Legal and Corporate Affairs Department have known him for more than a decade.

4. Mr. Donaldson is a partner of Montgomery, McCracken, Walker & Rhoads, LLP in Wilmington, Delaware. He is admitted to practice law in Pennsylvania, New Jersey and Delaware. Certificates of good standing for these states are attached as Exhibits A, B, and C. I am informed that Mr. Donaldson has never been reprimanded, nor has he had a grievance, complaint or order of discipline of any kind filed against him in any jurisdiction.

5. I have found Mr. Donaldson to be a skilled attorney and a person of integrity. He has a reputation for both among my colleagues in Microsoft's Legal and Corporate Affairs Department. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

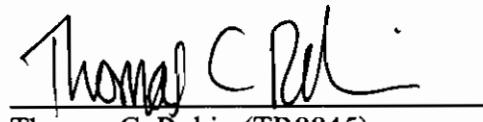
6. Accordingly, I am pleased to move the admission of Richard Montgomery Donaldson, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Richard Montgomery Donaldson, *pro hac vice*, which is attached hereto as Exhibit D.

WHEREFORE it is respectfully requested that the motion to admit Richard Montgomery Donaldson, *pro hac vice*, to represent Microsoft in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 18, 2009.



Thomas C. Rubin (TR8845)
Chief Counsel for Intellectual Property Strategy
Microsoft Corporation
Legal and Corporate Affairs
One Microsoft Way
Redmond, WA 98052
(425) 882-8080
tom.rubin@microsoft.com

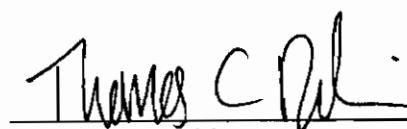
CERTIFICATE OF SERVICE

I, Thomas C. Rubin, hereby certify that on this 21st day of September 2009, I caused to be served a copy of the foregoing Motion to Admit Counsel *Pro Hac Vice* and Declaration in Support of Motion to Admit Counsel Richard Montgomery Donaldson *Pro Hac Vice* on the following individuals by first-class U.S. Mail, postage prepaid:

Michael J. Boni, Esquire
Joanne Zack, Esquire
Joshua Snyder, Esquire
Boni & Zack LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004
bookclaims@bonizack.com
Counsel for the Author Sub-Class

Jeffrey P. Cunard, Esquire
Bruce P. Keller, Esquire
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
bookclaims@debevoise.com
Counsel for the Publisher Sub-Class

Daralyn J. Durie, Esquire
Joseph C. Gratz, Esquire
Durie Tangri LLP
332 Pine Street, Suite 200
San Francisco, CA 94104
bookclaims@durietangri.com
Counsel for Google Inc.



Thomas C. Rubin



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Richard Montgomery Donaldson, Esq.

DATE OF ADMISSION

December 4, 1991

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal
Dated: September 8, 2009

A handwritten signature in black ink that appears to read "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

Supreme Court of New Jersey



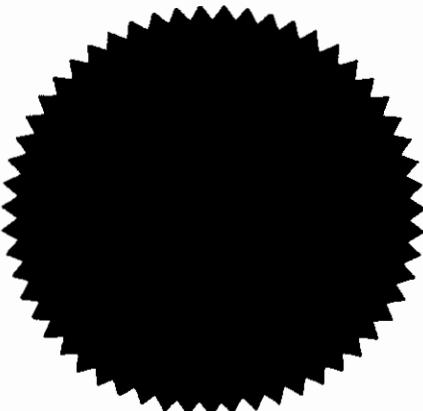
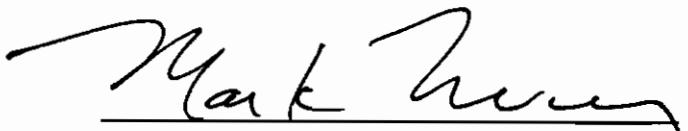
Certificate of Good Standing

This is to certify that **RICHARD MONTGOMERY DONALDSON**
(No. **031511991**) was constituted and appointed an Attorney at Law of New
Jersey on **February 05, 1992** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.

In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
10TH day of **September**, 20 09.



Mark T. Mulligan
Clerk of the Supreme Court

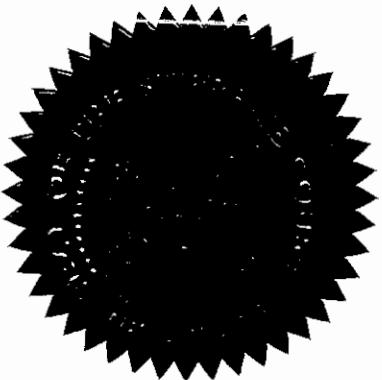
SUPREME COURT OF THE STATE OF DELAWARE

CERTIFICATE OF GOOD STANDING

The Clerk of the Supreme Court of the State of Delaware, the highest Court in the State, certifies that **Richard Montgomery Donaldson** was admitted to practice as an attorney in the Courts of this State on **June 18, 2003** and is an **active** member of the Bar of the Supreme Court of the State of Delaware in good standing.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and
affixed the seal of said Court at Dover
this 2nd day of September 2009.



Cathy L. Howard

Cathy L. Howard
Clerk of the Supreme Court

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,	:	
v.	:	
Google Inc.,	:	
Defendant.	:	

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Upon the motion of Thomas C. Rubin, attorney for objector Microsoft Corporation and declaration in support:

IT IS HEREBY ORDERED THAT

Richard Montgomery Donaldson
Montgomery, McCracken, Walker & Rhoads, LLP
1105 N. Market Street, Suite 1500
Wilmington, DE 19801
Telephone: 302-504-7800
Facsimile: 302-504-7820
rdonaldson@mmwr.com

is admitted to practice *pro hac vice* as counsel for objector Microsoft Corporation in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of the court, including the Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing

(ECF) system and counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

SO ORDERED.

Dated:
New York, New York

United States District Judge